

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

USDC SDNY
DOCUMENT
ELECTRONICALLY FILED
DOC #:
DATE FILED: 7/31/08

-----X
SHA-HEED RAHMAN,

Plaintiff,

-v-

COMMISSIONER BRIAN FISHER, DEPUTY
COMMISSIONER LUCIEN J. LECLAIRE, DEPUTY
COMMISSIONER RICHARD ROY, ACTING
DIRECTOR SPECIAL HOUSING KEITH DUBRAY,
SUPERINTENDENT LUIS MARSHALL, FIRST
DEPUTY SUPERINTENDENT K. DECKER,
HEARING OFFICER MRS. CALERO, OFFICER J.
TEJEDA

Defendants.
-----X

08 Civ. 4368 (DLC)

ORDER

DENISE COTE, District Judge:

Plaintiff Sha-Heed Rahman has brought this pro se action seeking redress for the defendants' alleged violation of his rights. On May 9, 2008, plaintiff submitted an application for appointment of counsel.

In determining whether to grant an application for counsel, the Court must consider

the merits of plaintiff's case, the plaintiff's ability to pay for private counsel, his efforts to obtain a lawyer, the availability of counsel, and the plaintiff's ability to gather the facts and deal with the issues if unassisted by counsel.

Cooper v. A. Sargenti Co., Inc., 877 F.2d 170, 172 (2d Cir.

1989). As a threshold matter, in order to qualify for

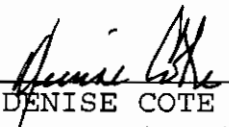
appointment of counsel plaintiff must demonstrate that his claim

has substance or a likelihood of success. See Hodge v. Police Officers, 802 F.2d 58, 60-61 (2d Cir. 1986). In addition, in reviewing a request for appointment of counsel, the Court must be cognizant of the fact that volunteer attorney time is a precious commodity, and thus, should not grant appointment of counsel indiscriminately. Cooper, 877 F.2d at 172.

A more fully developed record will be necessary before I can determine whether plaintiff's chances of success warrant the appointment of counsel. Therefore, plaintiff's application is denied without prejudice to its renewal at such time as the existence of a potentially meritorious claim may be demonstrated.

SO ORDERED:

Dated: New York, New York
July 31, 2008



DENISE COTE
United States District Judge

COPIES SENT TO:

Sha-Heed Rahman
90-A-0409
Upstate Correctional Facility
P.O. Box 2001
309 Bare Hill Road
Malone, NY 12953